

ESTTA Tracking number: **ESTTA574545**Filing date: **12/04/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	E. & J. Gallo Winery
Granted to Date of previous extension	12/04/2013
Address	600 Yosemite Boulevard MODESTO, CA 95354 UNITED STATES

Attorney information	Steven M. Weinberg Holmes Weinberg, PC 30765 Pacific Coast Highway, Suite 411 MALIBU, CA 90265 UNITED STATES hwtrademarks@gmail.com, msalvatore@holmesweinberg.com Phone:310-457-6100
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**Applicant Information**

Application No	85897212	Publication date	08/06/2013
Opposition Filing Date	12/04/2013	Opposition Period Ends	12/04/2013
Applicant	Adler Fels Winery, LLC 980 Airway Ct., Suite A Santa Rosa, CA 95403 MONGOLIA		

**Goods/Services Affected by Opposition**Class 033. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Wine**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2512934	Application Date	07/22/1997
Registration Date	11/27/2001	Foreign Priority Date	NONE
Word Mark	BRIDLEWOOD		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 033. First use: First Use: 1999/04/15 First Use In Commerce: 1999/04/15 wine

Attachments	2013.12.04_Notice of Opposition re BRIDAL VEIL.pdf(20979 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MJSalvatore/
Name	Michael J. Salvatore
Date	12/04/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Serial No. 85/897,212

E. & J. Gallo Winery,

Opposer,

v.

Adler Fels Winery, LLC,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

TO: ASSISTANT COMMISSIONER FOR TRADEMARKS  
**BOX TTAB –FEE**  
2900 Crystal Drive  
Arlington, VA 22202-3513

Opposer E. & J. Gallo Winery (“Gallo”), a corporation organized and existing under the laws of the State of California, believes that it would be damaged by registration of the above-referenced mark, and hereby opposes the same. As grounds for this Opposition, Gallo respectfully alleges as follows:

1. Opposer Gallo is a corporation organized and existing under the laws of the State of California, having a place of business at 600 Yosemite Blvd., Modesto, California 95354.
2. Gallo is the exclusive owner in the United States of the federally registered trademark BRIDLEWOOD for “wine” (Reg. No. 2512934), as registered on the Principal Register on November 27, 2001 (the “BRIDLEWOOD® Mark”).
3. This registration is valid and enforceable, and Gallo’s exclusive rights in the BRIDLEWOOD® Mark are incontestable.

4. The mark subject to this Opposition is BRIDAL VEIL, Serial No. 85/897,212 (the “Opposed Mark”) for “Wine,” in International Class 033.

5. Applicant filed United States Application Serial No. 85/897,212 with the U.S. Patent and Trademark Office on or about April 6, 2013. The Application for the Opposed Mark is based on an intent to use. Upon information and belief, the Opposed Mark has not yet been used in commerce.

6. Because Gallo first used the BRIDLEWOOD® Mark on wine before Applicant filed its application for the Opposed Mark, and such use has been continuous, Gallo has priority of use.

7. By virtue of Gallo’s long, continuous, extensive and exclusive use and marketing, promotion and sale of wines under the BRIDLEWOOD® Mark, the BRIDLEWOOD® Mark has come to be recognized by the relevant public as identifying wines having their origin or otherwise associated exclusively with Gallo.

8. The Opposed Mark for the International Class 033 goods is confusingly similar, *inter alia*, in appearance, sound, and overall commercial impression to the BRIDLEWOOD® Mark. Further, the first two syllables of the Opposed Mark are pronounced identically to the first two syllables of the BRIDLEWOOD® Mark. Thus, the Opposed Mark evokes the same or a highly similar connotation as the BRIDLEWOOD® Mark. Applicant’s stated goods for the Opposed Mark are identical to the goods for which Gallo uses the BRIDLEWOOD® Mark. Accordingly, it is likely that consumers will mistakenly believe that the Opposed Mark for the International Class 033 goods is connected to or associated with Gallo or its BRIDLEWOOD® wines.

9. The registration of the Opposed Mark would be inconsistent with Gallo's rights in its BRIDLEWOOD® Mark and will cause damage to Gallo.

WHEREFORE, Gallo respectfully prays that registration of the Opposed Mark not be permitted.

DATED this 4th day of December, 2013.

Respectfully submitted,

By: /s/ Steven M. Weinberg  
Steven M. Weinberg  
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Malibu, CA 90265  
310.457.6100  
smweinberg@holmesweinberg.com

Attorneys for Opposer E. & J. Gallo Winery

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing NOTICE OF  
OPPOSITION was served by U.S. Priority Mail to Applicant's counsel at the following address:

Barry Strike  
Strike & Techel  
556 Commercial Street  
San Francisco, CA 94111

DATED: December 4, 2013

By: /s/ Nelda Piper  
Nelda Piper  
Paralegal